

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ashby et al  
SERIAL NO.: 09/621,670  
FILING DATE: 7/24/00  
TITLE: Depth And Puncture Control For System For Hemostasis Of Blood Vessel  
EXAMINER: Izaguirre, Ismael  
ART UNIT: 3765

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as First Class  
Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,  
on the date printed below:

Date: May 10, 2004

Name:

Ruth Rodriguez

COMMISSIONER FOR PATENTS  
P.O. Box 1450, ALEXANDRIA, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Each item of information listed in the attached FORM PTO-1449, for which a copy of each is attached (unless the blanket waiver referred to below applies), may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR §§ 1.56, 1.97 and 1.98. The Examiner is requested to review, consider and document each such item in the official record of this application.

Note: If this box ☐ is checked, this case was filed after June 30, 2003 and qualifies for the blanket waiver of deposit of copies of U.S. Patents and U.S. Patent Application

Publications in accordance with the written waiver of 37 CFR §1.98 (a)(2)(i) dated July 11, 2003. Accordingly, such copies are not attached.

This Information Disclosure Statement under 37 CFR §§ 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

# I

This statement is filed pursuant to **(CHECK ONE BOX)**:



**37 C.F.R. § 1.97(b).**

This information disclosure statement is filed either:

- (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
- (3) before the mailing date of a first office action on the merits; **or**
- (4) before the mailing of a first office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114, **whichever event occurs last.**

**Accordingly, this information disclosure statement requires no fee and no certification.**



**37 C.F.R. § 1.97(c).**

This information disclosure statement is filed **after** the period specified in 37 C.F.R. § 1.97(b), but **before** the mailing date of any of the following:

- (1) a final action under 37 C.F.R. § 1.113;
- (2) a notice of allowance under 37 C.F.R. § 1.311; **or**
- (3) an action that otherwise closes prosecution in the application.

**Accordingly, this information disclosure statement requires either:**

- (1) the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c); **or**
- (2) a certification according to 37 C.F.R. § 1.97 (e)(1) or (2).



**37 C.F.R. § 1.97(d).**

This information disclosure statement is filed **after** the period specified in 37 C.F.R. § 1.97 (c).

**Accordingly, this information disclosure statement requires:**

- (1) a certification in accordance with 37 C.F.R. § 1.97(e); **and**
- (2) the fee specified in 37 C.F.R. § 1.17 (p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d).

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. **To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.**

## II

Fees Due (**CHECK ONE BOX**):

- ☒ No fee is due.
- ☐ The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) or 37 C.F.R. § 1.97(d) is enclosed (**\$180**).

## III

Certification (**CHECK ONE BOX**):

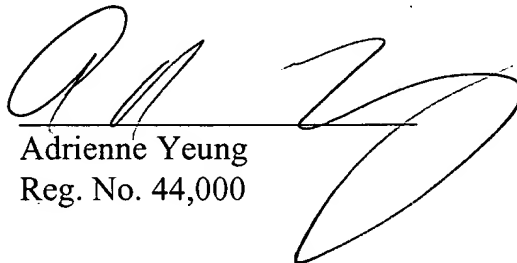
- ☒ No certification is necessary.
- ☐ Pursuant to 37 C.F.R. § 1.97(e)(1), the undersigned hereby certifies:  
That each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ Pursuant to 37 C.F.R. § 1.97(e)(2), the undersigned hereby certifies:  
No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.

IV

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Please charge any additional required fee or credit any overpayment to our deposit account number 50-1698.**

Respectfully submitted,  
THELEN REID & PRIEST LLP



Adrienne Yeung  
Reg. No. 44,000

Dated: May / 0, 2004

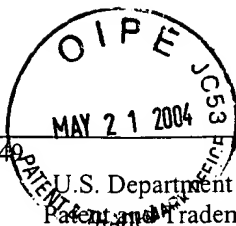
THELEN REID & PRIEST LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
(408) 292-5800 direct dial  
(408) 287-8040 direct fax



SUB-Q 1449 US

10f5

Form PTO 1449 (Rev. 2-32)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. 034298-068		Serial No. 09/621,670	
<b>Information Disclosure Statement by Applicant</b>				Applicant: Ashby et al			
(Use several sheets if necessary)				Filed: 7/24/00		Group: 3765	
<b>U.S. Patent Documents</b>							
Init.		Document No.	Date	Name	Class	Subclass	Date
	A	2,370,319		J.G. Lippinott			7/1937
	B	2,874,776		H.E. Hooe			2/59
	C	3,358,689		John L. Higgins			12/19/67
	D	3,411,505		P.D. Nobis			11/19/68
	E	3,736,939		Glenn N. Taylor			6/5/73
	F	4,573,573		Thomas C. Krol			3/86
	G	4,644,649		Seaman et al			2/87
	H	4,852,568		Kensey			8/89
	I	4,573,576		Thomas C. Krol			3/83
	J	4,869,143		Merrick			9/89
	K	4,098,728		Solomon Rosenblatt			7/4/78
	L	4,219,026		Terry No. Layton			8/26/80
	M	4,224,945		Jonathan Cohen			9/30/80
	N	4,405,314		Constantin Copi			9/20/83
	O	4,699,616		George M. Norwak			10/13/87
	P	4,832,688		Sagae, et al			5/23/89
	Q	4,839,204		Yoshino			6/13/89
	R	5,399,361		Song, et al			3/95
	S	5,462,194		Keith Barawell			10/95
	T	5,385,550		Su, et al.			1/95
	U	5,800,389		Burney et al.			9/98
	V	5,507,279		Fortune			4/96
	W	5,858,008		Capaccio			1/99
	X	5,049,138		Chevalier et al			9/17/91
	Y	5,129,889		John L. Hahn			7/14/92
	Z	5,192,290		Said Hilgal			3/9/93
	A1	5,219,899		Panster et al			6/15/93
	B1	5,232,453		Plass et al			8/3/93
	C1	5,254,105		John Haaga			10/19/93
	D1	5,320,639		James Rudnick			6/14/94
	E1	5,342,388		Sonia Toller			8/30/94
	F1	5,350,399		Erlebacher et al			9/27/94
Examiner					Date Considered		
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.							



2 of 5

Form PTO 1449 (Rev. 2-32) U.S. Department of Commerce Patent and Trademark Office				Atty. Docket No. 034298-068		Serial No. 09/621,670	
<b>Information Disclosure Statement by Applicant</b>				Applicant: Ashby et al			
(Use several sheets if necessary)				Filed: 7/24/00		Group: 3765	
<b>U.S. Patent Documents</b>							
Init.		Document No.	Date	Name	Class	Subclass	Date
	G1	5,352,211		William Merskelly			10/4/94
	H1	5,447,502		John Haaga			9/5/95
	I1	5,458,570		James May, Jr			10/17/95
	J1	5,545,175		Abidin et al			8/13/96
	K1	5,571,168		Connie Toro			11/5/96
	L1	5,601,601		Tal et al			2/11/97
	M1	5,620,461		Wouter M. Muijs Van De Moer			4/15/97
	N1	5,674,346		Nikhil K. Kundel			10/7/97
	O1	5,707,393		Kensey et al			1/13/98
	P1	5,931,165		Reich et al			8/3/99
	Q1	6,027,471		Fallon et al.			2/00
	R1	6,027,482		Imbert			2/00
	S1	6,086,607		Cragg et al.			7/00
	T1	6,161,034		Burbank et al.			12/00
	U1	6,183,497		Sing et al.			2/01
	V1	6,033,427		Benjamin Lee			3/7/00
	W1	6,056,768		Cates et al			5/2/00
	X1	6,066,325		Wallace et al			5/23/00
	Y1	6,090,130		Nash et al			7/18/00
	Z1	6,126,675		Shchervinsky et al			10/3/00
	A2	6,371,974		Brenneman et al			4/02
	B2	6,440,151		Cragg et al			8/02
	C2	6,440,153		Cragg et al			8/02
	D2	6,477,534		Cragg et al			8/02
	E2	6,503,222		Julian Lo			1/03
	F2	6,527,734		Cragg et al			3/03
	G2	6,540,735		Ashby et al			4/03
	H2	6,544,236		Cragg et al			4/03
	I2	6,610,026		Cragg et al			8/03
	J2	US2002/000288 9		Ashby et al			1/10/02
	K2	US2002/001661 2		Ashby et al			2/7/02
Examiner					Date Considered		
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.							









5 of 5

Form PTO 1449 (Rev. 2-32)		U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 034298-068	Serial No. 09/621,670
<b>Information Disclosure Statement by Applicant</b>			Applicant: Ashby et al	
(Use several sheets if necessary)			Filed: 7/24/00	Group: 3765
Z2	Berman, et al "Guided Direct Antegrade Puncture of the Superficial Femoral Artery" AJR 147:632-634, 9/86	0361-803X/86/1473-0632 © American Roentgen Ray Society		
A3	Berman et al "Modification of the Cope Drainage Catheter to Facilitate Placement" AJR 146:169-170, 1/86	0361-803X/86/1461-0169 © American Ray Society		
B3	Correll, John T. et al. Biologic investigations of new absorbable sponge; pg 585			
C3	Di Seni, Ricardo, et al, "Part I, Embolotherapy: Agents, Equipment, and Techniques," Vascular Embolotherapy, Vol. 4,	pgs 29 & 33		
D3	Saddekni, MD et al "Antegrade Catheterization of the Superficial Femoral Artery" Radiology 1985 157:561-532			
E3	Vogelzang "A Modified Cope Introducing Dilator to Allow Straight Guide Wire Introduction" AJR 146:381-382 2/86	0361-803X/86/1462-0381 © American Roentgen Ray Society		
F3	<b>Our Pending Applications</b>			
G3	Ashby, Mark et al; Serial No. 10/287,922; filed: Nov. 4, 2002; entitled: Apparatus And Method For Inhibiting Blood Loss			
H3	Ashby, Mark et al; Serial No. 10/069,107; filed: Dec. 16, 2002; entitled: Device And Method For Determining A Depth Of An Incision			
I3	Ashby, Mark et al; Serial No. 10/278,710; filed: Oct. 22, 2002; entitled: System and Method for Facilitating Hemostasis of Blood Vessel Punctures With Absorbable Sponge			
J3	Ashby, Mark et al; Serial No. 10/334,770; filed: Dec 31, 2002; entitled: Improved System and Method for Facilitating Hemostasis with Absorbable Sponge			
K3	Ashby, Mark et al; Serial No. 10/421,680; filed Apr. 22, 2003; entitled: Puncture Closure System With Pin And Pull Technique			
L3	Ashby, Mark et al; Serial No. 10/462,065; filed: Jun. 12, 2003; entitled: Enhanced Bleed Back System			
M3	Ashby, Mark et al, Serial No. 10/462,064; filed: Jun. 12, 2003; entitled: Release Mechanism			
N3	Ashby, Mark et al; Serial No. 10/461,587; filed: Jun. 12, 2003; entitled: Dissolvable Closure Device			
O3	Ashby, Mark et al; Serial No. 10/461,035; filed: Jun. 13, 2003; entitled: System And Method For Delivering Hemostasis Promoting Material To A Blood Vessel Puncture Site <u>Using a cannula</u>			
P3	Ashby, Mark et al; Serial No. 10/461,006; filed: Jun. 13, 2003; entitled: System and Method for Delivering Hemostasis Promoting Material to a Blood Vessel Puncture with a Staging Tube			
Q3	Ashby, Mark et al; Serial No. 10/460,859; filed: Jun. 12, 2003; entitled: Hemostatic Device Including a Capsule			
R3	Ashby, Mark et al; Serial No. 10/732,441; filed: Dec. 9, 2003; entitled: Pledget-Handling System and Method for Delivering Hemostasis Promoting Material to a Blood Vessel Puncture Site By Fluid Pressure			
S3	Ashby, Mark et al; Serial No. 10/754,824; filed: Jan. 9, 2004; entitled: Sheath-Mounted Arterial Plug Delivery Device			
Examiner				
Date Considered				
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.				